

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCF No. 841 of 2017

Date of Decision: 14.08.2019

Angrej Singh

.....Petitioner

Versus

Jatinderbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.

Mr. Rakesh Vatsyayana, P. Officer in person for respondents.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful disobedience of order dated 26.10.2016 passed in CWP No. 2979 of 2015.

The relevant portion of the order be quoted below:

'On the other hand, learned counsel for the petitioner specifically pointed out from Annexure P-2 communication dated 24.06.2000 of Zonal Office, Faridkot to the Zonal Office, Chandigarh stating that petitioner fulfils the condition of 240 days. The same is being overlooked or ignored by the Head Office in not considering the petitioner's claim for absorption for the post of Peon. Since, the only one objection of the Head Office is that the petitioner do not fulfils the eligible criteria of not working for 240 days is contrary to the documents/communication made by the Zonal Office, Faridkot to the Zonal Office, Chandigarh. Thus, the petitioner has made out a case for the purpose of absorption on par with other similarly situated persons. The respondent/competent authority is directed to re-consider name of the petitioner for absorption from the date

of others absorption within a period of four months from today. It is made clear that the petitioner is entitled to salary attached to the post of Peon from the date other similarly situated persons, who were also subjected to selection procedure in the year 2000 and who have been absorbed/appointed. Arrears of salary shall be calculated and disbursed within four months from today. For the reasons that for no fault of petitioner he is entitled to monetary and service benefits from July 2000."

On issuance of notice of motion, stand was taken by the respondent that LPA was filed. LPA was also dismissed on 18.9.2018. Thereafter, SLP was preferred on 10.4.2019. The respondent pointed out that the SLP has been filed in which notice has been issued only qua the back wages. It was stated by learned counsel for the petitioner that the petitioner was working since 1988 and he has been regularised w.e.f. 4.10.2000 and regular pay scale has not been given.

Mr. Rakesh Vatsyayana, Probationary Officer is present in person for respondents, submits that the arrears of regular pay scale from 24.5.2017 shall be deposited within two weeks. There is no representation on behalf of petitioner. He submits that the arrears from 24.5.2017 has already been paid to the petitioner. He has produced the calculation sheet.

In view of the above, no cause of action survives for pursuing the present contempt petition. The same is disposed of.

In case, the petitioner is aggrieved of the calculation done by the respondent, he would be at liberty to avail remedy in accordance with law including moving a representation to the respondents. In case such a representation is made to the respondents, the same would be decided expeditiously, in accordance with law.

However, in case there is any discrepancy in the statement made today in Court, the petitioner would be at liberty to revive the contempt petition.

The rule issued against respondent is hereby discharged.

14.08.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No